

§ 42.1

- 42.62 Applicability of the Federal rules of evidence.
- 42.63 Form of evidence.
- 42.64 Objection; motion to exclude; motion in limine.
- 42.65 Expert testimony; tests and data.

ORAL ARGUMENT, DECISION, AND SETTLEMENT

- 42.70 Oral argument.
- 42.71 Decision on petitions or motions.
- 42.72 Termination of trial.
- 42.73 Judgment.
- 42.74 Settlement.

CERTIFICATE

- 42.80 Certificate.

Subpart B—*Inter Partes* Review

GENERAL

- 42.100 Procedure; pendency.
- 42.101 Who may petition for *inter partes* review.
- 42.102 Time for filing.
- 42.103 *Inter partes* review fee.
- 42.104 Content of petition.
- 42.105 Service of petition.
- 42.106 Filing date.
- 42.107 Preliminary response to petition.

INSTITUTING *Inter Partes* REVIEW

- 42.108 Institution of *inter partes* review.

AFTER INSTITUTION OF *Inter Partes* REVIEW

- 42.120 Patent owner response.
- 42.121 Amendment of the patent.
- 42.122 Multiple proceedings and Joinder.
- 42.123 Filing of supplemental information.

Subpart C—Post-Grant Review

GENERAL.

- 42.200 Procedure; pendency.
- 42.201 Who may petition for a post-grant review.
- 42.202 Time for filing.
- 42.203 Post-grant review fee.
- 42.204 Content of petition.
- 42.205 Service of petition.
- 42.206 Filing date.
- 42.207 Preliminary response to petition.

INSTITUTING POST-GRANT REVIEW

- 42.208 Institution of post-grant review.

AFTER INSTITUTION OF POST-GRANT REVIEW

- 42.220 Patent owner response.
- 42.221 Amendment of the patent.
- 42.222 Multiple proceedings and Joinder.
- 42.223 Filing of supplemental information.
- 42.224 Discovery.

37 CFR Ch. I (7–1–13 Edition)

Subpart D—Transitional Program for Covered Business Method Patents

- 42.300 Procedure; pendency.
- 42.301 Definitions.
- 42.302 Who may petition for a covered business method patent review.
- 42.303 Time for filing.
- 42.304 Content of petition.

Subpart E—Derivation

- 42.400 Procedure; pendency
- 42.401 Definitions.
- 42.402 Who may file a petition for a derivation proceeding.
- 42.403 Time for filing.
- 42.404 Derivation fee.
- 42.405 Content of petition.
- 42.406 Service of petition.
- 42.407 Filing date.

INSTITUTING DERIVATION PROCEEDING

- 42.408 Institution of derivation proceeding.

AFTER INSTITUTION OF DERIVATION PROCEEDING

- 42.409 Settlement agreements.
- 42.410 Arbitration.
- 42.411 Common interests in the invention.
- 42.412 Public availability of Board records.

AUTHORITY: 35 U.S.C. 2(b)(2), 6, 21, 23, 41,135, 311, 312, 316, 321–326 and Public Law 112–29.

SOURCE: 77 FR 48669, Aug. 14, 2012, unless otherwise noted.

Subpart A—Trial Practice and Procedure

GENERAL

§ 42.1 Policy.

(a) *Scope.* Part 42 governs proceedings before the Patent Trial and Appeal Board. Sections 1.4, 1.7, 1.14, 1.16, 1.22, 1.23, 1.25, 1.26, 1.32, 1.34, and 1.36 of this chapter also apply to proceedings before the Board, as do other sections of part 1 of this chapter that are incorporated by reference into this part.

(b) *Construction.* This part shall be construed to secure the just, speedy, and inexpensive resolution of every proceeding.

(c) *Decorum.* Every party must act with courtesy and decorum in all proceedings before the Board, including in interactions with other parties.

(d) *Evidentiary standard.* The default evidentiary standard is a preponderance of the evidence.